

**Amendments to the Drawings:**

The attached sheet of drawings includes changes to Figs. 1-3. This sheet, which includes Figs. 1-3, replaces the original sheet including Figs. 1-3. The designation "PRIOR ART" has been added to Figs. 1-3.

## **REMARKS**

### **Status of Claims:**

Claims 16, 17 and 19-32 are pending and stand rejected under various sections of 35 U.S.C. Claim 18 has been canceled.

### **Drawing Objections:**

The examiner has requested clarification as to the designation of Figures 1-3. Figures 1-3 are illustrations of the prior art. A replacement sheet showing the designation for Figs. 1-3 is attached.

### **Rejection Under 35 U.S.C. § 112:**

Claim 24 is deemed indefinite for use of the phrase, "as viewed in plan." Applicants use the phrase to mean looking at the medical electrode from a top view. Reconsideration and removal of the rejection of claim 24 under 35 U.S.C. § 112, second paragraph, are respectfully requested.

### **Rejections Under 35 U.S.C. § 102(b):**

Claims 16-28 and 30-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Canadian Patent No. 1,219,642. Claim 16, as amended, requires the claimed electrode have at least one uncontacted conductor surface shaped in the form of an uncontactable conductor surface that lacks a connecting element. As conceded by the examiner, the Canadian '642 Patent shows electrodes with elements that are *all* capable of being contacted by an electrode. Therefore, the Canadian '642 Patent neither shows nor suggests an electrode having at least one uncontacted conductor surface that cannot be contacted by a connecting element. In fact, the '642 Patent teaches away from applicants' claimed electrode. Accordingly, reconsideration and removal of the rejection of claim 16 under 35

U.S.C. § 102(b) are respectfully requested.

Claims 17, 19-28 and 30-32 depend, directly or ultimately, from claim 16 and are allowable for the reasons given above. Reconsideration and removal of the rejections of claims 17, 19-28 and 30-32 under 35 U.S.C. § 102(b) are respectfully requested.

**Rejections Under 35 U.S.C. § 103:**

Claim 29 stands rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Canadian Patent No. 1,219,642. Applicants respectfully traverse the rejection. Claim 29 depends ultimately from base claim 16, which is allowable for the reasons given above. Moreover, applicants respectfully disagree with the characterization made of applicant's invention on page 4 of the office action. Radially spaced electrodes will have peripheral lengths that vary as a function of the radius, but the same does not necessarily hold true for the surface area. One can vary the radial width of the individual electrodes so that each has the same or substantially the same surface area as the other. The variation in the radial widths of the electrodes shown in applicants' Fig. 4, for example, illustrates this point. In contrast, the radially-spaced conductors shown in Fig. 4 of the '642 patent have relatively *equal* radial widths so that their surface areas are not substantially equal as suggested by the examiner. Clearly, the '642 patent does not teach or suggest radially-spaced conductors having the same surface areas. Accordingly, the rejection of claim 29 under the rationale advanced is improper. Applicants respectfully request reconsideration and removal of the rejection of claim 29 under 35 U.S.C. § 103(a).

**Conclusion:**


For the foregoing reasons, all the pending claims are considered to define patentably over the prior art. If, for any reason, the Examiner is inclined to further reject any of the claims, Applicants request that counsel be contacted to resolve any remaining issues. Reconsideration is requested and favorable action is solicited.

**Fee Statement:**

A fee of \$225.00 for a two-month extension of time is submitted herewith. It is believed that no additional fees are currently due. However, in the event of any fee deficiency or overpayment, authorization is hereby granted to charge such deficiency or credit such overpayment to deposit account #12-2147.

Respectfully Submitted

LORUSSO & ASSOCIATES

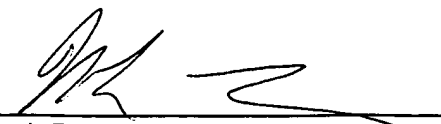
  
Mark D. Lorusso  
Reg. No. 41,955

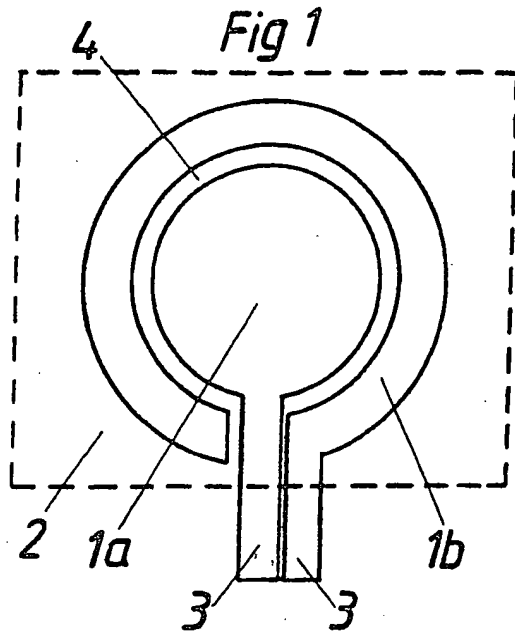
Dated: November 16, 2005

TRG-299

**Certificate of Mailing Under 37 CFR 1.8**

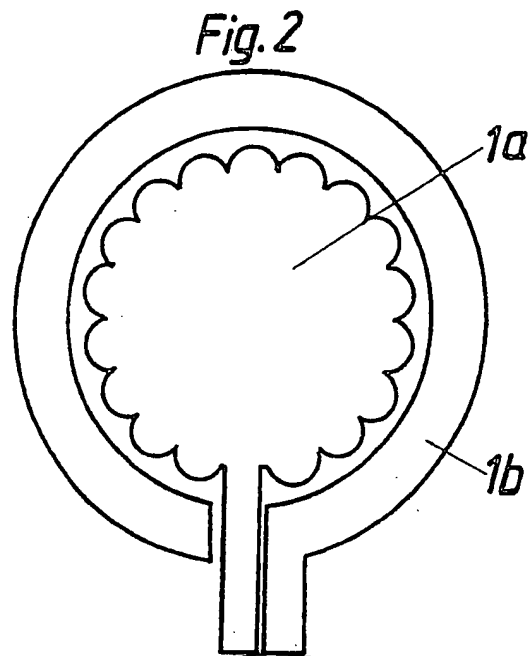
The undersigned hereby certifies that this paper along with any paper or document referred to therein as being attached or enclosed, is being sent via U.S. First Class Mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450-this 16th day of November 2005.

  
Mark D. Lorusso



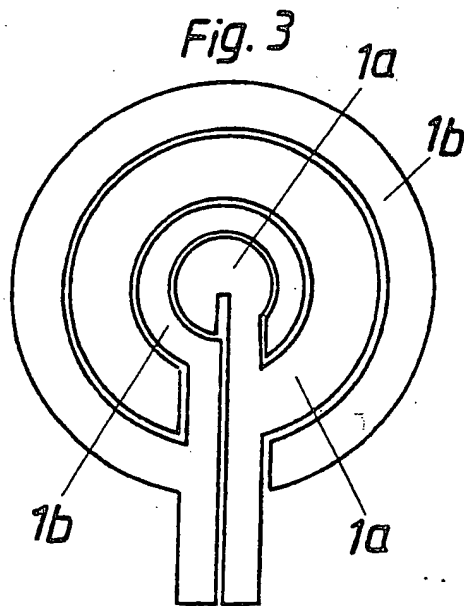
PRIOR ART

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